

CHAPTER 4

PUBLIC RECORDS

SCOPE

Access to and retention of public records are governed by specific statutes and governing bodies. Such regulations are summarized in this chapter, with references to access of details.

4.1 STATUTORY AUTHORITY

4.1.1 Open Door Law

IC 5-14-1.5, Sec.3 (a) states: "Except as provided in section 6.1 of this chapter, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them."

IC 5-14-1.5, Sec.2 (f) states: "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose.

IC 5-14-1.5, Sec 6.1, **Executive sessions**, lists certain situations which qualify for an "executive session", and states in (c): "A final action must be taken at a meeting open to the public." Sec. 6.1 (d) notes additional information required for executive session notification.

IC 5-14-1.5, Sec.5 (a) states in part: "Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting." Certain re-convened meetings are exempt from this requirement.

IC 5-14-1.5, Sec.4 (a) states in part: "A governing body of a public agency utilizing an agenda shall post a copy of the agenda at the entrance to the location of the meeting prior to the meeting." Sec. (b) further states: "As the meeting progresses, the following memoranda shall be kept: (1) The date, time, and place of the meeting (2) The members of the governing body recorded as either present or absent (3) The general substance of all matters proposed, discussed, or decided. (4) A record of all votes taken, by individual members if there is a roll call. (5) Any additional information required under IC 5-1.5-2-2.5. (c) The memoranda are to be available within a reasonable period of time after the meeting for the purpose of informing the public of the governing body's proceedings. The minutes, if any, are to be open for public inspection and copying."

Terms relating to the Open Door Law are defined in IC 5-14-1.5-2.

4.1.2 Public Access Law

IC 5-14-3, Sec.3.(a) states: "Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must (1) identify with reasonable particularity the record being requested; and (2) be, at the discretion of the agency, in writing on or in a form provided by the agency. No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute." Sec.4 enumerates public records which are excepted from section 3.

IC 5-14-3, Sec 8 (c) states in part: “The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater.”

Terms relating to the Public Access Law are defined in IC 5-14-3-2.

4.1.3 Creation of Public Records Commission

IC 5-15-5.1, Sec 3 states in part: “There is created the commission on public records to administer this chapter for the administrative and executive branches of state government. The commission shall offer its services to the legislative and judicial branches of state government.”

IC 5-15-5.1, Sec. 18, 19, 20, creates the oversight committee for public records, lists the committee’s duties and standard setting authority.

4.1.4 Duties of agencies

IC 5-15-5.1, Sec. 10(7) states that each agency shall “Designate an agency information coordinator, who shall assist the commission in the content requirements of the form design process and in the development of the agency’s records retention schedules.”

4.1.5 State Board of Accounts

IC 5-11-1, Sec. 2, states in part: “The state board of accounts shall formulate, prescribe, and install a system of accounting . . . The state board of accounts shall formulate or approve all statements and reports necessary for the internal administration of the office to which the statements and reports pertain.”

4.2 **INDIANA COMMISSION ON PUBLIC RECORDS (ICPR)**

The Indiana Commission on Public Records (ICPR) assists state and local governments in the efficient and effective management of public records, by providing services throughout the life cycle of records, including creation, use, storage, and disposition.

In February of 2006, with Executive Order 06-01, Governor Mitch Daniels created the Indiana State Historic Records Advisory Board (SHRAB). Charged with being the central advisory body for historical records planning and preservation in Indiana, the SHRAB is working with the Commission on Public Records and repositories throughout the state to accomplish their task.

The Oversight Committee on Public Records (OCPR) functions as the policy-making body.

ICPR's functional divisions are:

- Records Management
- Forms Management
- State Records Center
- State Archives
- Conservation Lab
- Imaging/Micrographics`

For further information about these services, see www.in.gov/icpr.

4.2.1 Records Management

4.2.1.1 Agency Coordinator and Duties

The agency information coordinator is responsible for assisting the commission in design of forms and development of the agency's records retentions schedules; establishing safeguards against the removal, alteration, or loss of records, including notification of agency employees of record retention rules; attending ICPR training sessions in order to better assist the agency officials in complying with record retention requirements.

Responsibility for forms design and record retention can be assigned to two separate coordinators. A Records Coordinator's Handbook, as well as other useful information may be found at www.in.gov/icpr/records_management/staterm.html.

4.2.1.2 Record Retention Schedules

Public officials or agencies may not dispose of government records except under an approved Records Retention Schedule or with the written consent of ICPR via the OCPR

To assist agencies in the proper disposal of government records, ICPR offers the services of the State Records Center for temporary storage; Micrographics for microfilming; State Archives for permanent/ historical storage; and the Conservation Lab for restoration and preservation of records.

Generally, basic accounting records cannot be transferred to the Records Center until issuance of the applicable state audit report and satisfaction of any unsettled charges. Retention schedules can be accessed through www.in.gov/icpr.

4.2.1.2.1 General Retention Schedule

These retention schedules, with generic titles and retention periods, are pre-approved for all agencies as needed.

4.2.1.2.2 Agency Records Retention Schedule

This retention schedule is unique to the needs of a particular agency. Approval of a new retention schedule or an amendment or deletion to an existing schedule must undergo a review process and then be submitted for approval to the OCPR. The ICPR's records analysts will assist the agency coordinator in drafting the retention language and seeing the new schedule, amendment, or deletion through the process. Key considerations in drafting retention language are 1) how long to retain the record series, 2) where and in what form should it be maintained, and 3) what impact does it have (legal, fiscal, historical, etc.)?

4.2.2 Forms Management

Forms management is a program maintained by ICPR to provide continuity of forms design procedures from a form's origin up to its completion as a record by determining the form's size, type style, format, construction, paper type and quality. This program also includes determining how the form will be used, completed, and distributed.

All forms used by state agencies must be approved by ICPR and assigned a State form number. Training is provided by ICPR for agency forms coordinators.

4.2.2.1 Services Provided by the Forms Management Division

The Forms Management Division of ICPR provides the following services to assist state agencies in cost-effective and efficient management of forms at no charge to state agencies.

- **Forms Design** creates forms and non-forms (envelopes, certificates, letterhead, brochures, report covers and many other items).
- **Specification writing** tells the printer the size, type of paper and ink, number of plies, directions for security, how to print, how to package and much more.
- **Forms Research** ensures the correct revision is being used or printed, and notes if there are other forms available that serve the same purpose.
- **Forms Analysis** ensures legal compliance and cost effectiveness. The Analyst determines if the form must be approved by the State Board of Accounts, the Auditor of State or is covered by State Statute and requires "special handling." Analysts "suggest" changes to the form that will impact the cost-effectiveness and efficiency of the form.
- **Quality Assurance** protects the agency by monitoring all print jobs done by Central Printing, PEN Products or outside vendors.

For information about a specific state form and its use, call the Forms Coordinator for the agency that owns it. (The agency to which you will be submitting the completed form.)

For assistance with creation of State Forms, call 317-232-3380 and ask for:

- Forms Analysis - for help with legal or technical requirements of creating and printing state forms
- Forms Design - for requesting original design or revision of state forms from Forms Management staff
- Electronic/Digital Forms - for help with creating and revising electronic versions of state forms

4.2.2.2 Request for Form Approval – New or Revised Form

Complete a "Request for Approval of New/Revised Form", SF36040, and "Request for Approval of Electronic Form", SF48874, if applicable. SF36040 is a three part, tri-color NCR form; SF48874 may be submitted on diskette. If a NEW form, attach a proposed version; if a REVISED form, attach two printed samples of the form with the corrections noted. Both submission forms can be viewed at www.in.gov/icpr/webfile/formsdiv/36040.pdf (or 48874.pdf).

Indicate by checking the appropriate box in "Part One" of the request form whether you wish Forms Management's designers to create/revise your form, which is a free service ("Forms Management"), or if you wish an outside vendor to create/revise your form ("Other"), or if you are submitting your own artwork ("Requesting Agency").

Send the required documents to the Forms Management Division of the Commission on Public Records. You may be contacted by the designer or analyst who is working on your form.

4.2.2.3 Other Required Approvals

No form should be printed and placed in use, other than a prescribed form, without prior approvals as noted in this section.

4.2.2.3.1 State Board of Accounts

The State Board of Accounts must approve any form that is a part of an agency's accounting system or relates to any monetary transactions. After a new/revised form has been processed through the ICPR Forms Division, a letter requesting approval and three copies of the proposed form must be submitted to the State Board of Accounts for approval. Include with the request a description of the use of the form, how the form will be processed, and the related internal controls. If a revision, a copy of the current form should be included.

4.2.2.3.2 Auditor of State and Other

If a form or report will be utilized by the Auditor of State (AOS) for processing monetary transactions, it is also subject to approval by the AOS (see IC 4-7-1-4.1). This approval should be obtained prior to submission for approval to the State Board of Accounts.

If additional approvals are necessary, the ICPR will advise the agency coordinator of such requirements.

4.2.3 Forms Printing

After a form has been approved by the ICPR Forms Division, the State Board of Accounts, and the Auditor of State (if applicable), unless the form is to be generated by a computer application, the agency forms coordinator should process a requisition in the E-Pro system for items to be printed by the central printing services (currently under contract with Pitney Bowes), PEN Products or an outside vendor. The requisition will be routed to ICPR for approval and then will proceed through the E-Pro process in the agency.

If forms will be printed by your agency in-house print shop, be sure to indicate this on your request for approval of form. Attach two current samples of the form and forward the request to the Forms Management Division of the OCPD.